



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-3503 FAX (603) 271-2982



Erin and Chuck Upton
68 Turtle Rock Road
Windham, NH 03087

LETTER OF DEFICIENCY
#SP-2003-03
March 27, 2003

RE: DES Wetlands File #2003-00477
Turtle Rock Rd, Windham

Dear Mr. and Mrs. Upton:

On March 25, 2003, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, identified as Windham Tax Map 21K, Lot 27, Turtle Rock Road, Windham, New Hampshire (the "Property"). The purpose of this site inspection was to determine compliance with RSA 483-B, The Comprehensive Shoreland Protection Act. During the inspection the following deficiencies were noted:

- Erosion and sedimentation control measures were inadequate.

In response, you are requested to take the following actions:

1. Within 48 hours of receipt of this Letter of Deficiency, install silt fence along the entire frontage of the property. The silt fence should be trenched-in at the bottom.
2. As soon as practicable, the disturbed soil berm should be graded away from Cobbetts Pond and mulched with hay. It may be necessary to take additional steps to stabilize this slope, such as seeding with a grass mix or installing jute matting.
3. Areas of the berm that have not been stabilized will need to be covered during times when the site is unattended.
4. The erosion control measures will need to be monitored to assure that they are being effective, and corrected and repaired when necessary.

During the inspection it was also noted that some trees had recently been cut on the property. Please be aware that any further cutting of trees on your property may be considered a violation of the CSPA.

RSA 482-A, the New Hampshire Wetlands Law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit.

RSA 483-B, CSPA, was enacted to protect and preserve the shorelands of the State to maintain the integrity and exceptional quality of the State's public waters. RSA 483-B and Env-Ws 1400-1409 establishes minimum standards for the future subdivision, use, and development of the shorelands within 250 feet of the state's public waters.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Allyson Gourley, Shoreland Compliance Coordinator
Wetlands Bureau
Department of Environmental Services
6 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Enclosed, for your information, are copies of fact sheets explaining the Comprehensive Shoreland Protection Act, a copy of the Act, administrative rules Env-Ws 1400, and proper installation and maintenance of erosion control measures. Should you have any questions regarding this letter, or wish to arrange a meeting, please contact Allyson Gourley at (603) 271-6876.

Sincerely,

COPY

Mary Ann Tilton

Senior Enforcement Officer
Wetlands Bureau

CERTIFIED MAIL 7002 2410 0001 9158 9302

cc: Rene Pelletier, Manager, Land Resources Management Program
Gretchen Rule, Administrator, DES Legal Unit
Windham Conservation Commission
Windham Planning Department – Alfred Turner
Donaghue Construction – Gerard Donaghue
RWC Excavating – Bob Champagne